IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 957 OF 2001**

Indian Association of
Voluntary Social Organizations & Anr. ...
Petitioners

**Versus**

The State of Maharashtra & Ors. ...
Respondents.

None for the Petitioners

Mr. S.R. Nargolkar, Assistant Government Pleader,
for Respondent No.1.

**CORAM: V.G. PALSHIKAR, Ag.C.J., &**
**SMT. NISHITA MHATRE, J.**
**DATE: JANUARY 9, 2006.**

**P.C.:-**

1. By this petition, the petitioners have challenged the action of respondent No.3 of issuing contracts for construction of toilet blocks without calling for tenders.
2. While granting Rule in this matter, an elaborate order was passed on 3rd April, 2001, whereby the concerned respondents were restrained from entering into any further contracts for construction of the toilet blocks, which are the subject-matter of the petition, without inviting tenders and entering into contracts as contemplated in Rule 1 of Chapter V of Schedule D read with Sections 73 and 79 of the Bombay Provincial municipal corporations Act, 1949 (emphasis supplied). After passing of the interim order,

no grievance is made by any party regarding continuance of the injunction so granted.

3. In our opinion, nothing survives in the petition now, as there is no complaint of such work being given without tenders. Apart from that, even if there is any infraction of the rules hereafter, alternative remedies are available to the petitioners to challenge action, if and when it takes place.

4. In this view of the matter, there is no reason to keep the petition pending. The petition is dismissed. The Rule is discharged. The interim order stands vacated.